

Maine SHRM Government Affairs Update

March 5, 2011

This is part of a series of updates to keep you up on the decisions being made on our behalf in both bodies. As I have mentioned, I am tweeting more regularly than issuing updates of this kind, so feel free to check my twitter feed at any time or to follow me if you like. So it's handy, here is all relevant contact information:

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<http://tinyurl.com/MaineSHRMLegNews> (our Maine State Government Affairs information page)

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Human Resources Professionals Day

Please save the date and encourage attendance! This will be unlike previous events with our new state leaders and initiatives, so you will not want to miss it! The event is posted at:

<http://meshrm.shrm.org/events/2011/04/professionals-day-state-house> . **We have just finalized our program and will be posting more information very soon. Please RSVP with your meal selection as soon as possible so we can save your spot for this great event!**

Maine

Executive

Public hearings and Senate confirmations are ongoing for Cabinet appointees and others. Here is an update to those we are tracking to date. The Cabinet lacks only a Commissioner of Labor at this point. No word on possible nominations.

Date of Hearing	Department	Commissioner-nominee	Status
01/18/2011	Administrative & Financial Services	H. Sawin Millett, Jr.	Confirmed
01/20/2011	Conservation	William H. Beardsley	Confirmed
01/20/2011	Economic & Community Development	Philip A. Congdon	Confirmed
01/20/2011	Marine Resources	Norman H. Olsen	Confirmed
01/24/2011	Public Safety	John Morris	Confirmed
01/25/2011	Environmental Protection	Darryl N. Brown	Confirmed
02/01/2011	Health & Human Services	Mary Mayhew	Confirmed
02/03/2011	Agriculture	Walter E. Whitcomb	Confirmed
02/08/2011	Transportation	David B. Bernhardt	Confirmed
02/14/2011	Corrections	Joseph Ponte	Confirmed
02/17/2011	Labor	Cheryl Russell	Withdrawn
02/23/2011	Inland Fisheries & Wildlife	Chandler Woodcock	Confirmed
03/02/2011	Education	Stephen Bowen	Confirmed

The Senate also voted 34-0 to confirm Paul Sighinolfi of Brewer as executive director of the state Worker's Compensation Board. Sen. Christopher Rector of Thomaston said Sighinolfi is well-qualified for the post, saying he "literally wrote the book we use as the gospel for workers' compensation in Maine."

In case you missed it, here is the Governor's budget, released on February 11th:

<http://www.maine.gov/budget/budgetinfo/2012biennial.htm>

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Legislature

The legislature will begin this month to meet Tuesday, Wednesday and Thursday each week. There have been about 800 bills posted out of the Revisor's Office to date with a total of about 1600 this session so far. The ideas raised via LD 1 will likely increase the count as new bills come about from the concept measure.

Here are some bills of note to date, with hearing dates where available. Please contact your Chapter Government Affairs Chair for details or contact Sarah with questions, concerns or other feedback.

- **LD1 – An Act To Ensure Regulatory Fairness and Reform – This bill has had multiple hearings and work sessions so far, mostly dealing with DEP issues to date.** Here is an update on related bills and the Governor's amendment to LD1 issued on Feb 14th at the start of the first public hearing: <http://www.maine.gov/legis/opla/LD1Govsamendment.pdf> and more information here: <http://www.maine.gov/legis/opla/phase1annotated.pdf>
- **LD 35 - An Act Relating to Concealed Firearms Locked in Vehicles** –This bill provides that an employer may not prohibit an employee with a valid concealed firearms permit from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. SHRM is opposed, the Maine Chamber will oppose. MESHSM formulating position now. Concerns are employer control of employer property, workplace safety and esp. domestic violence issues in ME. This bill has not yet come before the CJPS committee. A related bill, **LD 658** will also require our attention, please see more on the bill below.
- **LD 60 - An Act To Extend Coverage under the State's Mini-COBRA Law** - This new bill appears to be trying to give more generous COBRA rights than under fed law to those eligible for mini and "regular" COBRA. This bill was voted on and, while the report has not yet been released, it was divided. Bill regarding healthcare this session must be reviewed in the context of greater healthcare reform – we will keep you posted.
- **LD 152 - An Act To Prohibit Employment Discrimination Based on a Prior Criminal Conviction** – This law would forbid employers to hold criminal convictions against applicants if it's not directly related to the job. **This bill was voted ONTP by the committee.**
- **LD 169 - An Act To Allow Veterans Who Work for Employers with More than 50 Employees To Take Veterans Day Off with Full Pay** – This would require employers to give all veterans Veterans' Day off with full pay. MEGAT is currently working via the Chamber to oppose this. **This bill was voted ONTP by the committee.**
- **LD 207 - An Act To Amend the Laws Regarding Tips Used in Payment of Service Employees** – this would allow employers to keep tipped employees tips. **This bill was tabled.**
- **LD 269 – An Act To Implement a Maine Unemployment Insurance Work-sharing Program** - This bill creates a worksharing program as an alternative to layoffs during a temporary slowdown in business. This would allow an employer to avoid layoffs by reducing the number of regularly scheduled hours of work for all workers in a specific unit or department or the business as a whole. Unemployment insurance benefits for the reduced hours of work are then payable as a proportion of the benefit amount for a full week of unemployment. This requires an approved plan in place at the employer. Similar plans have been successful in other states and MEGAT is working with the Chamber and other groups to see what input we might offer the committee as they consider this bill. MEGAT would support if the program is designed with the input and supported by the DOL commissioner. **The first public hearing was on March 2, but no report was issued. Without a DOL Commissioner, acting or permanent, unclear how this might advance.**
- **LD 304 - An Act to Promote the Hiring of Seasonal Workers** – This bill was brought forward by Reny's and changes from 5 weeks to 10 weeks the amount of time and employer may employ employee without being charged for UI. There are a few concerns with how this might impact the UI trust fund as it would impact all employees as written, not just seasonal employees. We are watching this bill.
- **LD 516 - An Act To Amend Maine Law To Conform with Federal Law Regarding Employment Practices for Certain Minors** - This bill repeals the limiting of hours minors 16 years of age may work while school is not in session. It repeals all limitations on the hours a minor 17 years of age may work. It also conforms Maine law to federal law. We have asked the State Chamber to weigh in for us on this matter. Suggestions included adding some protections so

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that students are not forced to work a lot of additional hours while consistently cutting a more senior workers hours in favor of a less expensive minor. Also expressed concerns about the current rules and how they apply to those of that age who are not in school – should this be considered at the same time?

- **LD 636 - An Act To Ensure Proper Health Information Management** - This bill requires a hospital, beginning January 1, 2012, to employ a certified director of health information management. There are concerns about the lack of specificity of the bill as well as the necessity of such a bill. In its current form, this bill could have Maine legislating to force sponsorship of one professional certifying organization over another, of course this is usually reserved for industry standards and employer choice/market driven considerations. The bill is also vague on at which certifications “count”. Our colleagues at MHA believe that such a bill should not advance.
- **LD 658 - An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon** - alters the concealed weapons laws in the state of Maine so that permits are not needed at all in most cases except a few mentioned in the bill. This bill is something MESHRM will want to oppose along with LD 35 above. The State Chamber is also opposed.
- **LD 698 - An Act To Bring Wage Equity to the Workplace** - This bill prohibits the payment of wages to the highest paid employee that are 10 times higher than the wages paid to the lowest paid employee at the same workplace if the employer has 50 or more employees and the employer receives a state tax credit, state tax break or state funds or is a contractor for public works construction. The State Chamber opposes this bill and, while MESHRM does not intend to weigh in formally beyond agreement with MSC, you may wish to express your opposition as well.
- **LD 788 - An Act To Prohibit Forced Payment of Labor Union Dues or Fees by Workers** - This bill would change the landscape of Maine by prohibiting employers from deducting fees from nonunion employees, in essence, disallowing the union shop. MESHRM is formulating a position on this now along with SHRM and others. This very important bill would bring RTW laws to Maine for the private sector. Maine, along with most of the northeast, allows union shops and this would be a major change for Maine. Perhaps a bit of a refresher on Taft Hartley and related laws will help: http://en.wikipedia.org/wiki/Union_shop . There is a related bill impacting Maine’s public sector similar to the bill in Wisconsin we have all heard so much about, LD 309. While we are not following it, you may wish to have a peek at: <http://www.mainelegislature.org/LawMakerWeb/summary.asp?ID=280039408> . Stay tuned!

While this bill is not one we followed closely, LD 303 referenced Maine's Freedom of Access Law in attempting to make Maine’s nonprofit healthcare facilities accepting >\$250k/yr in public funding subject to it. Here is our FOAA for your information: <http://www.maine.gov/foaa/> . We are also tracking several other bills that could impact our efforts including some related to minimum wage, healthcare in Maine, subcontracting state services and some bills that attempt to sync Maine laws to federal ones and restrict regulatory rule making authority (eg – LD 543). As mentioned previously we are also tracking a number of WC bills that have not yet been printed.

The SHRM Maine State Council’s official position guidelines were adopted as expected and if you need a copy, please let Sarah know at the email address above.

US

- SHRM’s Employment Law & Legislative conference begins March 13th so please expect major updates after this event!
- As you likely heard, a government shutdown is enjoying a two-week stay as wrangling continues over fiscal funding for the remainder of 2011.
- On Thursday, March 3, the House passed a measure that would repeal a tax reporting provision within the Patient Protection and Affordable Care Act requiring businesses to complete a Form 1099 for each transaction over \$600. This must now be reconciled with a previously approved Senate version and then Congress must make up the lost \$19 billion attributable to this provision.